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May 17, 2000

VIA OVERNIGHT DELIVERY

Mary Cottrell

Secretary

Massachusetts Department of Telecommunications and Energy

One South Station, 2nd Floor

Boston, MA 02110

Re: Comments of Covad Communications Company on Tariff Amendments of Bell Atlantic – Massachusetts to DTE Nos. 14 & 17; DTE 98-57

Dear Ms. Cottrell:

Covad Communications Company ("Covad"), through undersigned counsel and pursuant to the Department's Notice (dated May 8, 2000), hereby submits its comments on the proposed tariff amendments (dated May 5, 2000) of Bell Atlantic - Massachusetts ("Bell Atlantic") to DTE Nos. 14 and 17, implementing DSL line sharing and other DSL-related services and network elements.

Covad urges the Department to exercise the authority, discussed in the May 8, 2000 Notice (at 1), "to allow Bell Atlantic's proposal ... to take effect while it continues its investigation, with prospective adjustment." See also M.G.L. Ch. 159, §§19 & 20. The tariff amendments deal with many issues, primarily related to line sharing, that are the subject of Covad's pending arbitration petition against Bell Atlantic (filed with the Department on April 26, 2000). It would prejudice Covad's petition for the Department to allow Bell Atlantic's tariff amendments to take effect without an investigation and the opportunity for prospective adjustment. In the case of proposed rates, the Department should be prepared to make retroactive adjustments if necessary. The Department must give both Covad's petition and the proposed tariff amendments full and fair consideration.

To the extent that the tariff amendments do not bear upon Covad's petition, it nevertheless would be poor policy for the Department not to conduct an investigation. Given Bell Atlantic's pending Section 271 application in Massachusetts, the Department must be able to certify to the FCC that Bell Atlantic's wholesale DSL service and network element offerings comply with the law. The Department will be hard-pressed to make that showing without conducting an investigation of Bell Atlantic's proposed tariff amendments.

In support of the foregoing procedural arguments, Covad submits that there are numerous substantive deficiencies in Bell Atlantic's line sharing tariff amendments. Although Covad reserves the right to present substantive arguments in more detail in whatever investigation of the proposed tariff amendments that the Department conducts, Covad notes that Bell Atlantic's proposed tariff amendments violate the law because they:

would permit Bell Atlantic to disconnect line sharing arrangements even in instances in which the data service does not "significantly degrade" the voice service (see DTE No. 17, §§ 19.1.2.B.1, 19.1.2.C.4, 19.1.3.A.1; 47 C.F.R. § 51.230(b));

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would not permit CLECs to deploy all DSL services over line sharing arrangements that are presumed acceptable for deployment under FCC rules (see DTE No. 17, § 19.1.3.C; 47 C.F.R. § 51.230);  
would require CLECs to pay for so-called "Wideband Test Access," even though CLECs would in fact not have access to such test functions (see DTE No. 17, § 19.1.3.F);  
would require CLECs to provide Bell Atlantic with information about the DSL service on each and every line sharing arrangement (see DTE No. 17, § 19.1.4.D);  
would charge CLECs for cooperative testing, despite the fact that without such testing Bell Atlantic could not deliver working DSL loops (see DTE No. 17, § 5.4.7.B); and  
would assess separate charges for splitter maintenance and support to CLECs without explaining the basis for either charge (see DTE No. 17, §§ 2.6.12.C & D).

For these reasons, the Department should investigate Bell Atlantic's proposed tariff amendments to DTE Nos. 14 and 17 and make whatever prospective or retroactive adjustments are necessary.

Respectfully submitted,

Antony Richard Petri II a

Counsel for Covad Communications Company

cc: The Honorable Cathy Carpi no (via email)

DTE 98-57 Service List (via email)